



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory Supervisor
Department of Medical Assistance Services

FROM: USHA KODURU
Assistant Attorney General

DATE: November 26, 2008

SUBJECT: Proposed Regulations Concerning Resources and Transfers and Their Impact on Eligibility Conditions and Requirements

I have reviewed the attached proposed regulations, which will clarify and augment the existing regulations regarding restrictions on the transfer of assets and the treatment of certain resources that may be counted in determining Medicaid eligibility.

Based on my review, DMAS has the authority to promulgate these regulations, subject to compliance with Article 2 of the Administrative Process Act and has not exceeded that authority.

Pursuant to Virginia Code §§ 32.1-324 and 32.1-325, which grants to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to administer and amend the plan for Medical Assistance according to the Board's requirements. The authority for these proposed regulations come from § 1902(a) of the Social Security Act.

If you have any questions or need any additional information, please call me at 786-4074.

cc: Kim F. Piner
Senior Assistant Attorney General